IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
O R D E R

S.B. Civil Second Appeal No.360 Of 2000.

Margoob Ahmad Vs. Abdul Salam

Date Of Order ::: 01.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Suresh Sahni, Counsel for defendant-appellant.
Mr. Sanjay Mehrishi, Counsel for plaintiff-respondent.

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondent instituted a suit for eviction in respect of the rented premises, which was decreed by the learned Lower Court on the ground of personal bona-fide necessity. The judgment and decree passed by the learned Lower Court has been affirmed by the First Appellate Court also.

Learned counsel for the defendant-appellant has argued that in the facts and circumstances of the present case the findings of both the Courts below are not correct and the same are liable to be set aside by

this Court

I have considered the submissions of learned counsel for both the parties in the light of the findings of both the Courts below.

After considering the submissions of learned counsel for both the parties as well as the findings recorded by both the Courts below, I find that the question of bona-fide necessity of the rented premises in the facts and circumstances of the present case is purely a question of fact and there is a concurrent finding of fact recorded by both the Courts below in this regard, which cannot be interfered with by this Court in second appeal under Section 100 of the Code of Civil Procedure, 1908.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

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